

FILED

JUL - 5 2001

LARRY W. PROPES, CLERK
CHARLESTON, SCIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	C/A No. 70-607-23
)	
COLLETON COUNTY SCHOOL)	
DISTRICT, et al.,)	
)	
Defendants.)	
)	

CONSENT ORDER

Plaintiff United States of America and Defendants Colleton County School District, et al. (“the District”), having engaged in good-faith negotiations, reached agreement as to certain further relief, and have requested that their agreement be approved by and entered as an Order of the Court. After reviewing this Consent Order, the Court concludes that its entry comports with the Fourteenth Amendment to the Constitution of the United States of America and applicable federal law, and, if properly implemented, will further the orderly desegregation of the Colleton County School District.

Now, therefore, it is ORDERED, ADJUDGED AND DECREED:

I. Background

On November 17, 1999, this Court approved a Consent Order (“November 17 Order”) submitted by the parties and providing for further relief with regard to school facilities and related areas of school operations. The focus of the November 17 Order was on facilities deficiencies at “racially identifiable, predominantly minority schools – including Ruffin High

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School, Smoaks Middle School, Jonesville Elementary School and Ivenia Brown Elementary School – which have never been desegregated.” Consent Order at 3 (11/17/99). In addressing these ongoing “conditions of racial inequality,” the November 17 Order incorporated by reference the priorities and requirements contained in the earlier Consent Orders entered by the Court on July 18, 1996 and July 18, 1997. See id. at 4, 12-13.

The November 17 Order set forth two alternative plans for further remedial actions to be taken by the District – one in the event that the December 4, 1999 bond referendum on school facility capital improvements was approved by the county’s voters, and the other in the event it failed. When the referendum failed, the District proceeded to implement “Plan 2,” which included the conversion of Ruffin High School to a middle school in accordance with a “comprehensive plan.” Id. at 11-12, 15. The November 17 Order mandates that this “comprehensive plan” provide “educational comparability” between Ruffin and the other middle school facilities; appropriate space for specialized instruction; and sufficient resources for the conversion. Id. at 14-15. Under Plan 2, Smoaks Middle School is to be closed, and thereafter all students in grades 6-8 are to be served at Ruffin and the current Forest Circle and Colleton Middle Schools.

Pursuant to the November 17 Order, the District purchased property in Hendersonville on which to build a new elementary school to permit the District to address facilities deficiencies at three elementary schools – Jonesville, Ivenia Brown and Hampton Street – beginning with the 2002-03 school year. As required by the November 17 Order, the District first submitted its plans to the United States, which did not object to the site for the new school or to the District’s proposals to close Jonesville, Ivenia Brown and Hampton Street. On May 22, 2001, work began

A handwritten signature consisting of the letters "PMH" above a stylized, cursive "Z".

at the Hendersonville site, with a projected completion date of June 2002, as scheduled. See id. at 13.

II. Remedial Provisions Related to Facilities

A. The November 17 Order required the District to present to the United States for comment proposed plans for converting Ruffin High School to a middle school. The District submitted its proposals, which were revised to reflect concerns expressed by the United States and its education consultant. Based on the parties' discussions, the District has developed the comprehensive plan that is set forth in Attachment 1 hereto, which is hereby incorporated into and made a part of this Consent Order. The District shall implement the plan set forth in Attachment 1.

B. The District shall discontinue using the Jonesville, Ivenia Brown and Hampton Street facilities as elementary schools prior to the beginning of the 2002-03 school year. The District may use a portion of the Hampton Street facility as its central offices and permit a local non-profit organization to use the remainder. The District commits to work with community members to determine appropriate uses for the Jonesville and Ivenia Brown facilities, and it shall properly maintain these facilities.

C. The current Edisto Beach school facility does not meet minimum State standards. On May 15, 2001, the State Department of Education informed the District that it had been granted a "final" waiver of such standards for a two year period, until May 15, 2003. See Attachment 2 hereto. The Colleton County Council has pledged to commit operating budget funds in the amount of \$1.2 million dollars to contract for construction of a new Edisto Beach Elementary School, such as the District itself proposed to build under Plan 1 of the November 17, 1999

Consent Order with bond issue proceeds. The County Council is the funding source for all operating revenues received by the Colleton County School District, other than those received from the State and federal governments. The District may occupy this new facility, to be built by the Colleton County Council and projected to be completed prior to the 2001-02 school year, subject to the following conditions:

1. The building capacity of the new school facility shall not exceed 50 students (i.e., the school shall not be built to serve more than 50 students).
2. The school shall serve only students in grades pre-k through 5.
3. The construction and associated costs for the new facility shall be borne entirely by the County Council, and shall not exceed \$1.2 million.
4. Expenditures on the new facility by the County Council shall supplement, but not supplant or otherwise result in a reduction of, other financial assistance to the District from the County Council.

D. The parties agree that appropriate attendance zones for the District's elementary and middle schools will need to be established in accordance with the November 17 Order and the District's obligation to further desegregation to the extent practicable. Consistent with the November 17 Order, see November 17 Order at 16-17 (District shall submit attendance zone plans to United States nine months prior to projected use of new and converted facilities under Plan 2), the District shall submit to the United States a proposal for student assignments, with accompanying pupil locator information to enable the United States to evaluate such proposal, by November 1, 2001. The District shall provide to the United States and its consultant(s) all appropriate data and reasonable access to school records to permit an evaluation of the District's

proposal. The parties commit to make every good-faith effort to reach an agreement on appropriate attendance zones before submitting any disputes to the Court for resolution.

III. Prior Orders/Jurisdiction

All provisions of prior orders of this Court not inconsistent with provisions of this Order shall remain in full force and effect. The Court shall retain jurisdiction to enforce all orders of this Court and to order all appropriate further relief.

SO ORDERED, this 3rd day of July, 2001.

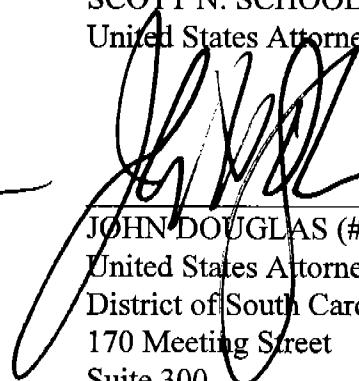

UNITED STATES DISTRICT JUDGE

APPROVED AND AGREED:

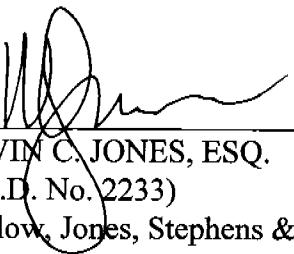
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Counsel for Defendants Colleton County School District, et al.

CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing was served on each party of counsel of record by

Hand Delivery
 Mailing

In the manner prescribed by the applicable Rules of Civil Procedure.

This the 2 day of July 2001



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

INIZ MOORE TENENBAUM
STATE SUPERINTENDENT OF EDUCATION

May 15, 2001

Office of School Facilities

Mr. W. Thomas Lohr
Associate Superintendent
Colleton County School District
Post Office Drawer 170
Walterboro, South Carolina 29488

Re: Edisto Beach Elementary School

Dear Mr. Lohr:

We are pleased to advise you that the State Board of Education at the May 9, 2001 meeting has agreed to continue the waiver for Edisto Beach Elementary School. This waiver is granted for a period of two years from this date.

The Board stipulated that this would grant Colleton County School District an adequate period of time to design and construct a replacement facility. The Board further stipulated that there would be no further waivers granted for the present facility.

This office looks forward to working with the district to provide your students with a much-needed new facility.

Sincerely,

Thomas W. Salmons, III, Architect
Office of School Facilities

TWS:js

cc: Mr. Calvin Jackson, Deputy Superintendent

A COMPREHENSIVE PLAN TO CREATE RUFFIN MIDDLE SCHOOL TO BE LOCATED AT THE CURRENT RUFFIN HIGH SCHOOL CAMPUS

Pursuant to its obligations under Section III A.3.d of the Order of the United States District Court entered November 18, 1999, the Board of Trustees of Colleton County School District formulates this Comprehensive Plan to modify and upgrade the facilities and programs at Ruffin High School, at or before the time it is converted to Ruffin Middle School, in the Fall of 2002. The upgrade will consist of a blend of programmatic enhancements, new construction, renovation and priority upgrade of deferred maintenance items. Specific elements of the upgrade, along with funding sources, are outlined as followed:

I Programmatic Improvements

- A. The collection of books in the media center will be inventoried. Additional books will be purchased. The collection will be upgraded to a level of comparability and equity with other middle schools in the District with regard to age/grade level appropriateness, as well as recent publications. **Funding Source - Title IV**
- B. Colleton Middle School currently has two industrial technology/vocational programs, however, enrollment figures only justify one program. We will move one of the programs to Ruffin Middle School so that each school has one. **Funding Source - General Funds**
- C. The District will add a state of the art computer lab at Ruffin Middle School that will provide internet access to each computer installed in the lab. The district has received a 21st Century Community Learning Centers' grant that will provide for 28 additional computers over the next two years as well. **Funding Source - General Funds**
- D. At the present time, Smoaks Middle School students participate in Ruffin High School junior varsity athletics. Once Ruffin High and Walterboro High Schools are consolidated, Ruffin Middle School will join the IA Conference and compete in football and basketball with other middle schools in their region. **Funding Source - General Funds**
- E. Ruffin Middle School will add a Career Education/Home Economics Program comparable to the existing program at Colleton Middle School. **Funding Source - General Funds**
- F. Ruffin Middle School will apply for a charter membership to the National Junior Honor Society. Colleton Middle School is currently a member. **Funding Source - General Funds**
- G. Ruffin Middle School will apply for a Sea Cadet program. If a charter is not available the district will provide transportation for interested students. **Funding**

Source - General Funds

II	New Construction, Renovation and Improvement to the facility scheduled prior to August 2002:	
A.	Re-roof	<u>Funding Source</u> 8% Money
B.	Install new ceiling tile	8% Money
C.	Site improvements to include asphalt recoating of bus, faculty, and staff parking, drainage improvements, and landscaping	8% Money
D.	Renovate and appropriately equip existing science lab for 8 th graders	8% Money
E.	Renovate and appropriately industrial technology lab	Tech Prep Funds
F.	Build and appropriately equip two additional science labs(6 th and 7 th grade labs)	General Funds
G.	Provide furnishings to Ruffin Middle School appropriate to Middle School Students at least comparable to furnishings in other Middle Schools in the District to include at least the following:	
1.	Cafeteria tables that will seat 400-450 students;	
2.	New shelving, computer tables, and other furniture will be added to the library as needed.	
3.	We began purchasing classroom furnishings for Smoaks Middle during the 2000-2001 school year. Smoaks Middle School students and furnishing will be moved to Ruffin Middle School during the summer of 2002. We will continue to budget for the purchase of new furnishings in upcoming years.	

III Detailed list of improvements scheduled for 2001-2001 in preparation for transition from high school to middle school.

	<u>Funding Source</u>
A. Install cut off valves	General Maintenance Budget
B. Install new a/c- heat pump roof in main office	General Maintenance Budget
C. Replace approximately 750 ft of 6" sewage line between 1 st & 2 nd wings and between 2 nd & 3 rd wings	General Maintenance Budget
D. Replace locks where needed and keyed alike	General Maintenance Budget
E. Paint all rooms and remove carpet	General Maintenance Budget
F. Replace (1) hot water heater (kitchen boiler room)	General Maintenance Budget
G. Install new canopy for student drop off	General Maintenance Budget
H. Number all rooms (safety purposes)	General Maintenance Budget
I. Repair back of 3 rd wing garnish work	General Maintenance Budget
J. Add a/c in kitchen	General Maintenance Budget
K. Close front window of gym and add exhaust fans	General Maintenance Budget
L. Clean and service all a/c units and boilers	General Maintenance Budget
M. Fix bleachers in gym	General Maintenance Budget
N. Repair heat in boys and girls locker room	General Maintenance

	Budget
O. Fix all roof leaks in kitchen	General Maintenance Budget
P. Pressure wash stadium bleachers	General Maintenance Budget
Q. Replace toilet partitions with new ones	General Maintenance Budget
R. Replace commodes & sinks on 2 nd wing	General Maintenance Budget
S. Tie in drain in Home Economic room to main lines	General Maintenance Budget
T. Pressure wash entire exterior of building	General Maintenance Budget
U. Install new hardware on main entry doors	General Maintenance Budget
V. Replace missing boards on bleachers	General Maintenance Budget
W. Windows to be replaced as needed	General Maintenance Budget
X. HVAC improvements as needed	General Maintenance Budget
Y. Major electrical upgrade (completed in the first week of March 2001).	General Maintenance Budget